Applicant : Santa Wiryamen et al.
Serial No. : 09/730,513
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Attorney's Docket No.: 09150-010001

## REMARKS

### Status

Claims 1-24 are pending, of which claims 1 and 19 are independent claims.

Claims 3 and 6 are rejected under 35 USC 112

Claims 1-4, 10, 11,14-16, 19, 20 and 23 are rejected under 35 USC 102(e) as being anticipated by Nichols (US 6,608,816)

Claims 5-9, 21 and 22 are rejected under 35 USC 103(a) as being unpatentable over Nichols in view of Epstein et al. (US 6,684,329).

Claims 12 and 13 are rejected under 35 USC 103(a) over Nichols in view of Kloth (US 6,98,034).

The applicant has amended independent claims 1 and 19 as well as a number of dependent claims (including claims 3 and 6), and added new claims 25-32, of which claim 32 is an independent claim.

### 35 USC 112

The rejections of claim 3 and 6 as indefinite are addressed by the amendments these claims.

### Nichols

Independent claim 1 has been amended to require a step of "controlling a rate of arrival of packets at the first interface." Support for this feature can be found at least on page 9, lines 15-23, of the specification. Nichols may disclose a shaping/metering device (130). However, Nichols does not disclose or suggest that the device control a rate of arrival of packets. Rather, Nichols queues packets and controls when those packets are transmitted.

Independent claim 19 has been amended to require "a rate shaper for controlling a rate of arrival of packets at the first interface according to the configurable policy." Although Nichols may disclose an element labeled "shaper 214," neither Nichols's shaper, nor any other element in the device (130), controls a rate or arrival of packets as required by the claim.

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The claims that depend on claim 1 or claim 19 are allowable for at least the reasons that the independent claims upon which they respectively depend are allowable.

Furthermore, the applicant does not necessarily agree with the positions taken in the office action with respect to the dependent claims. For example, with regard to claims 10, 11, 14-16, 20 and 23, the applicant does not agree that Nichols discloses or suggests that his device (130) acts as a data link layer bridge. Nichols state "source 135 can be ... a connection to another network (e.g., a bridge or gateway to a company's LAN)" (col. 4, lines 52-58). This does not disclose or suggest that the device (130) act as a bridge, or more particularly, that it act as a data link layer bridge as required by certain of the claims.

With regard to claims 5-9 and 21-22, the applicant does not agree that there is any suggestion in the cited references to introduce proxies of the type taught by Epstein into a shaping/metering device of the type taught by Nichols. Furthermore, the combination of Nichols and Epstein would not yield the subject matter of any of the claims.

### New claim 32

Newly added independent claim 32 requires "for at least some of the accepted packets, passing the said to a proxy application hosted in the communication device to crate modified accepted packets" as well as "transmitting the remaining accepted packets and the modified accepted packets to the second communication interface according a policy associated with the plurality of classes of data flows." This claim is allowable over the cited references, including over Nichols in view of Epstein, at least because the references do not disclose or suggest use of proxies within a device that passes packets according to a policy, such as according to priorities or bandwidth allocations.

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Enclosed is a $72.00 check for excess claim fees and a $475.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: Sept. 16, 2004

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